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December 5, 2016

The Honorable Richard M. Gergel
United States District Judge
J. Waties Waring Judicial Center
Corner Broad & Meeting Streets
Charleston, South Carolina 20401

Re: *Silverman v. National Board of Medical Examiners*, Civil Action No. 2:16-cv-3686-RMG,
U.S. District Ct. of South Carolina, Charleston Division

Your Honor:

Corky Erwin Harper represents the Defendant National Board of Medical Examiners (NBME) in the above-referenced matter, and I represent the Plaintiff Justin Silverman.

Although this letter is on my firm's letterhead, Ms. Harper and I have agreed upon its content.

At issue in this case is whether Mr. Silverman is entitled to testing accommodations on Step 1 of the United States Medical Licensing Examination (USMLE) pursuant to the Americans with Disabilities Act. NBME administers the USMLE program. Mr. Silverman submitted a request for extra testing time to NBME. NBME denied that request, based upon its conclusion that Mr. Silverman had not shown that he has a disability within the meaning of the ADA.

Mr. Silverman was initially denied accommodation by letter dated August 30, 2016. He sought reconsideration by letter dated September 30, 2016. Reconsideration was denied by letter dated November 11, 2016. The pending lawsuit was filed on November 18, 2016. A motion for preliminary injunction with memorandum was filed on November 21, 2016, and all pleadings were served upon the Defendant on November 22, 2016.

It is Mr. Silverman's position that, because of Medical University of South Carolina (MUSC) Progress Committee requirements, he has to take USMLE Step 1 examination no later than December 28, 2016. Although NBME disagrees that Mr. Silverman has shown a need for preliminary injunctive relief in this case or expedited proceedings on his motion, as a courtesy to

plaintiff, NBME has agreed with Mr. Silverman to the following briefing schedule on the motion for preliminary injunction:

NBME's response to plaintiff's motion for preliminary injunction: December 8, 2016

Plaintiff's reply in support of motion for preliminary injunction: December 9, 2016

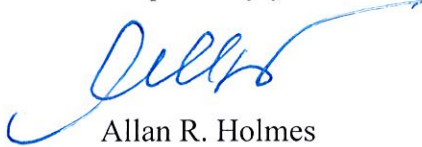
The parties are willing to submit the matter to the Court without a hearing.

NBME also would like to bring to the Court's attention that it intends to move to dismiss the complaint for lack of personal jurisdiction. NBME will file its motion to dismiss on or before December 8, 2016.

We realize the Court is always busy with pending matters, and this seems especially the case as this is written. With this understanding, Mr. Silverman respectfully requests that the Court attempt to rule upon the motion prior to December 28th.

We are available at the Court's convenience if there are any questions about the matters addressed in this letter .

Respectfully yours,



Allan R. Holmes

cc: Sue Erwin Harper, Esq.